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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,559	05/13/2004	Siegfried Fricker	A92032	3558
30008	7590	01/07/2005	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/709,559

Applicant(s)

FRICKER, SIEGFRIED

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **Status of Application**

1. Claims 1-22 are currently pending.

#### **Claim Rejections - 35 USC § 112**

2. Claims 4, 9-13, 16-18 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4, lines 1-2, it is not entirely clear what characteristic of engagement is not being claimed by the term 'non-positively'; in claim 9, lines 2-3, the scope is not clear in that a broader range ("an energy source") is recited in the same claim as a narrower range ("a battery"); in claim 16, lines 9-10, it is not clear what is meant by "secures defined positions"; in claim 22, it is not clear what specific limitations are being recited that further limit the claim from which claim 22 depends.

3. As regards claims currently rejected under 35 USC §112, second paragraph, please note that rejections under 35 USC §102 and 103 should not be based upon considerable speculation as to the meaning of the terms employed and assumptions as to the scope of the claims when the claims are not definite. See *In re Steele* 305 F.2d 859, 862, 134 USPQ 292, 295 (CCPA 1962). When no reasonably definite meaning can be ascribed to certain terms in a claim, the subject matter does not become anticipated or obvious, but rather the claim becomes indefinite. See *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). As such the currently pending claims may be subject to prior art rejections not set forth herein upon the clarification of the claim language.

#### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 2, 3, 4, 6, 7, 19 and 22 are rejected as best understood under 35 U.S.C. 103(a) as being unpatentable over Wallen (US4,017,091) in view of MacDougall (US 6,168,174). Wallen teaches a carriage for transporting a number of items, including performing as a golf club 'caddie', having a chassis (12), at least two free-wheeling rear wheels (13) connected to the chassis for supporting it, the wheels provided with half-shafts (60) which may be fastened to the chassis in a wheel support position (30) and a securing position (receptacles 22), wherein the wheels are removably engaged with the receptacles, and thus 'non-positively engaged' therewith, as best understood, characterized by the wheels being positioned flat on the chassis, the chassis including a width (portion 21) corresponding substantially to the wheel diameter, and a length (portion 21) corresponding approximately to twice the wheel diameter, a handlebar with handle (16) which may pivot about its longitudinal axis when the securing screw (18) is loose, therein the screw may be pivoted to a locking position, and wherein the screw may be pivoted around the outside of the handle, and thus 'out of the area' of the handlebar to the breadth claimed. The reference to Wallen fails to teach the provision of at least a third wheel. MacDougall teaches a golf bag cart having both a pair of rear wheels and a further wheel (119). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Wallen with a third wheel, spaced from the two wheels, as taught by MacDougall, for example attached at a longitudinally spaced location from the two wheels (e.g., at 14) for the purpose of allowing the cart taught by Wallen to be easily moved over smooth ground surfaces when in an upright condition, allowing faster access to the golf club handles after the cart has been moved.

Claims 1, 5, 8, 9, 12, 16, 17, 18, 19, 20, 21, and 22 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Reimers et al. (US 5,899,284). Reimers et al. teach a cart for transporting a golf bag (12) including a chassis (28, 32, 64, 118, etc.), at least three wheels (first free-wheeling pair 72, 74-- note col. 7, line 16; third wheel 24), a handlebar (34, 36) connected to a handle (56), the handlebar comprising an upper section (36) and a lower section (34) the handle (56) being connected with the upper section, wherein the upper and lower sections are folded on

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the chassis in a stored condition (figure 2), closely proximate the wheels (72, 74) in the storage condition, the upper and lower sections linked by an intermediate member (46a, 46b) including a portion (axis 48) arranged to be oriented laterally with respect to a longitudinal extension of the handlebar, the intermediate member spacing the handlebar portions a distance (the width of 32/20) approximately equal to the size of the half-shafts (76), the intermediate member spacing width being matched to the receptacle portions (e.g., 94/40; 96/110) which secure the half-shafts; the cart including a support (62, 52) for the container, secured to the intermediate member; the pair of wheels being provided with half shafts (76) which may fasten detachably on the chassis, each shaft capable of being fastened in both a running and storage position (detachable engagements at 108), the carriage having a chassis frame element (50, 60) supported so as to be pivotable about an axis extending transverse to the longitudinal axis (compare figures 1, 2), and comprising a sheet material for engaging a bottom of the bag, having front (60) and back (50) walls, the cart comprising a motor (128) for driving the carriage through a closed gearbox (138) arranged on the chassis, and connected to the motor, and a battery (66) which is connected to a chassis portion (64) formed of a sheet material and having lateral sides.

While Reimers et al. refer to wheels 72, 74 as front wheels, it would be deemed obvious to term these wheels rear wheels when the cart is moved in a direction wherein wheel 24 is leading. As regards claim 5, while the reference to Reimers et al. fails to explicitly teach that the handle portions rest on the wheel portions in the stored condition, in view of the close proximity of the elements as taught, and the importance of achieving a compact storage arrangement, it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the handlebar portions to contact the wheels in the stored position to ensure that the most compact arrangement may be had. The reference to Reimers et al. fails to teach the chassis portions 50, 60 and 64 as being made from sheet metal and secured by riveting. Sheet metal is old and well known as a lightweight and strong construction material, and as such it would have been obvious to one of ordinary skill in the art at the time of the invention to make the chassis portions form sheet metal so as to form those portions from a lightweight yet

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strong material to facilitate ease of transportation. As regards the use of rivets, such fasteners are notoriously old and well known, and it would be deemed an obvious choice to use rivets (as opposed to pins or bolts, for example) in order to reduce manufacturing costs

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reimers et al. (cited above) in view of Shepard et al. (US 4,846,295). The reference to Reimers et al. is discussed above and fails to teach the provision of bow contacts on the battery receptacle, with which the battery terminals connect. Shepard et al. teach a battery assembly for a vehicle wherein a battery terminal (50, 51) contacts a bow contact (55, 55a, 55b). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the battery receptacle taught by Reimers et al. with the contact arrangement taught by Shepard et al. for the purpose of allowing the battery to be easily and quickly installed in the cart.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reimers et al. in view of LaPointe et al. (US 5,747,965). The reference to Reimers et al. is discussed above and fails to teach the provision of plug in contacts connecting the battery to the motor, the contact being positioned adjacent one of the wheel half-shaft receptacles. LaPointe et al. teach a battery connection arrangement for a vehicle wherein battery connections are made from batteries (28, 30) to a circuit (34) with plug in connections (note 58, 42, 38, 40, 36, 43, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the battery taught by Reimers et al. with a plug-in connection as taught by LaPointe et al. for the purpose of allowing secure connections to be made-up quickly. Note that the battery mounting of Reimers is adjacent the wheel half-shaft mounts (e.g., figure 1, figure 4), and as such the provision of a plug in connection would necessarily locate the plug-in connectors adjacent the half-shaft mounts in view of the structure taught by Reimers et al.

#### **Allowable Subject Matter**

8. Claim 13, as best understood, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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9. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pfisterer (US 2,803,469), Nelson (US 5,632,496), Sueshige et al. (US 6,390,216), Tunnecliff (US 6,474,427), and Weiss et al. (US 6,502,656) teach carriers of pertinence.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

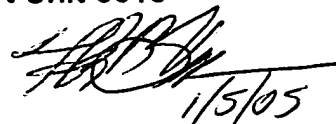
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**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



1/5/05